



EXHIBIT A: COMMERCIAL USE AUTHORIZATION

Frequently Asked Questions (FAQ)

And General Information

Commercial Visitor Services are defined as accommodations, facilities and services the NPS has determined to be necessary and/or appropriate for public use and enjoyment of a Park area provided to Park area visitors for a fee or charge by a person. The fee or charge paid by the visitor may be direct or indirect as part of the provision of comprehensive visitor services.

1. What is a "Commercial Use Authorization (CUA)"?

Section 418 of the National Parks Omnibus Management Act of 1998, Public Law 105–391 (Section 418), authorizes (but does not require) NPS, upon request, to issue commercial use authorizations (CUA's) to persons (referring to individuals, corporations and other entities) to provide commercial services to Park area visitors in limited circumstances. CUAs, although used to authorize commercial services to Park area visitors, are not concession contracts. They are intended to provide a simple means to authorize suitable commercial services to visitors in park areas in the limited circumstances in the legislation.

The Federal law requires that CUAs:

- Are accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values.
- Are consistent with the purpose for which the unit (North Cascades National Park) was established.
- Ensure compliance with all applicable management plans, park policies and regulations.
- Establish conditions for the protection (safety) of visitors and appropriate visitor services.
- Limit the liability of the United States Government.
- Require payment of a reasonable fee for issuance of an authorization and recover associated management and administrative costs.

2. What type of commercial activities is permitted in the Park?

The following activities are permitted commercial activities within North Cascades National Park. Additional activities may be permitted pending request, review and approval by the Park.

- a. Hiking
- b. Backpacking
- c. Camping
- d. Climbing/Mountaineering
- e. Rafting
- f. Commercial Air Transportation
- g. Horse packing/Dayrides
- h. Fishing
- i. Auto Transport
- j. Bicycle Rentals/Tours
- k. Boat rental/Tours
- l. Environmental Education
- m. Other services as requested/approved

3. What is the effective term of the CUA?

CUA's are issued for a term of up to two-years, but specific information is required prior to the start of the second year of operation in order for the permit to remain effective.

4. Is there an application deadline?

Yes. CUA and SUP application or renewal packages must be received at the park's concessions office no later than **May 1**. Application or renewal packages received at the park after May 1 will be assessed a \$25 late fee. If this is the first time you have applied for a permit with North Cascades National Park, your application must be submitted a minimum of 30 days

prior to the initial scheduled trip or activity, to allow park staff to review application materials and process the permit. Submitting a complete packet greatly aids staff in issuing your authorization in a timely manner.

5. Do I need to apply for more than one CUA if I wish to conduct different commercial activities in the park?

CUAs are issued to entities based on the type of activity being conducted. No more than one Commercial Use Authorization (CUA) or Special Use Permit (SUP) per activity will be issued to an Applicant (inclusive of its individual owners and employees). However, Applicants may apply for and receive CUA's and SUP's for more than one activity.

6. Can permits be transferred from one entity to another?

CUAs are non-transferable between entities. Permittees are also prohibited from sub-contracting permitted services and/or activities to other entities.

7. Are there fees associated with the permits?

The authority for the NPS to recover associated administrative and management costs of CUAs and SUPs is found in PL 105-391, 31 U.S.C. 9701, and 16 U.S.C. 3a. The Director must charge a reasonable fee for the issuance of a CUA or SUP in order to recover associated management and administrative costs.

- **CUA and SUP Application/Administrative Fee.** This fee represents the costs incurred by the National Park Service in mailing, distribution, and initial review to make sure the information supplied is sufficient to form a decision, and with the administrative process of the decision and the approval of the authorization.
- **CUA Management/Monitoring Fee.** Fee is based on the costs incurred by all park divisions involved in monitoring, supporting, or cleanup and restoring after the use.

The following fees are in effect at North Cascades National Park:

- (1) **Applications:** A non-refundable application/administrative fee of \$100 is to be sent in with the CUA or SUP application. This is a one-time fee and is not required for year 2 of the permit.
- (2) **CUA Renewals:** Carries an administrative and monitoring fee of \$150. Applicable to year one and year two of the permit.
- (3) **SUP Renewals:** Carries an administrative and monitoring fee of \$150. Applicable to year one and year two of the permit.

8. Do Non-Profit entities require a Permit?

A non-profit organization is an organization that has been determined by the Internal Revenue Service to be exempt from Federal income taxation as a non-profit or not-for-profit organization under the terms of the Internal Revenue Code. Those entities that will not be deriving taxable income from the activity being conducted in the Park are not required to obtain a CUA. They are, however, required to obtain a Special Use Permit and provide documentation from the Internal Revenue Service of their non-profit, 501(c)3 status. If you believe you qualify as a non-profit entity, please provide a copy of your IRS ruling or Determination Letter with your application package.

7. What type of insurance is required before this authorization can be approved?

The CUA authorization must provide commercial liability insurance against claims arising out of or resulting from the acts or omissions of the CUA operator or the CUA operator's employees, agents, or contractors, in carrying out the activities and operations required and/or authorized under the authorization. The CUA Specialist must receive verification of general liability, transportation insurance, if applicable and Worker's Compensation coverage before a CUA can be issued and the coverage must be maintained as current during the term of the authorization. See *Exhibit B: Additional Information on Insurance and Indemnity* for full insurance requirements.

8. May I advertise and/or collect fees or conduct sales for the services performed under my permit while I am within the Park boundaries?

Permittees may not advertise or collect fees for their services while on Federal Land or within park Boundaries. Most permitted activities originate outside of park boundaries or on private property where advertising and/or fee collection is permitted and appropriate. Permittees are allowed to have their business name or emblem on the vehicles they use to transport visitors to/from the Park and within the Park boundaries.

8. Are there specific licensing requirements for obtaining a CUA?

Entities must provide a business license from their state of origin. If you are a Washington based entity and do not currently have a Washington Business License, please contact the Department of Business Licensing at (360) 664-1400. You may also apply online at <http://www.dol.wa.gov/forms/700028.htm>.

Additionally, you must provide your Employer Identification Number (EIN). The Debt Collection Improvement Act of 1996 requires the NPS to collect an EIN or Social Security Number (SSN). The NPS will not collect SSNs for privacy purposes, and requires the Applicant submit the EIN. The EIN is issued by the Internal Revenue Service. Permittees may register for a free EIN at <http://irs.gov/Business/Small-Business-&Self-Employed/How-to-Apply-for-an-EIN>. The NPS will only use the EIN number for debt collection purposes (if applicable).

9. If I anticipate taking my clients out into the backcountry for overnights stays, do I need a backcountry permit?

Yes. For all backpacking trips, CUA and SUP holders are required to follow the Wilderness Information Center (WIC) requirements as stated in [EXHIBIT C: Backcountry Reservations form](#).

10. Do I need a Food Handler's Certification if I prepare and/or provide meals to my clients?

All Permittees who serve food to their clients are required to comply with the National Park Service (NPS) Public Health Guidelines RM 83 F. Any Permittee providing activities including, but not limited to, back-country or front-country camping/backpacking, horse-packing, rafting, canoeing and kayaking must obtain a Special Food Handler's Certificate that applies to and is valid ONLY at North Cascades National Park. At least one guide on each excursion shall be a certified food handler. **All** guides are encouraged to become certified food handlers. To become certified, Permittees must complete the Questionnaire/test for Backcountry Food Services ([Exhibit D: Backcountry Food Worker's Permit Questionnaire](#)) and return it with their application package. There is no additional cost associated with this test. Upon completion and receipt, a certificate of completion will be issued to the Permittee by the Park and included as part of the final permit package.

11. What must I provide or submit in order for the Permit to be approved (1st year) or validated (2nd year)?

Year 1 of the permit: Applicants must include all information requested and detailed on the CUA application form. All support documentation and certifications must be included with the completed application when it is returned to the Park for processing and review.

Year 2 of the permit: Those permitted under two-year authorizations, must meet the following requirements BEFORE starting the second year of operations:

- Provide the NPS with proof of current liability, worker's compensation and auto liability insurance.
- Be current on all fees.
- Be in compliance with all past-year reporting requirements.
- Provide an updated list of employees CPR, First Aid and Food Handler Certifications
- Copies of current Business or Commercial Whitewater Business License (if applicable)

12. Are there any annual or other reporting requirements?

Permittees must complete and submit the following documents (*Please see Exhibit E: Annual and Monthly Reporting Documents*):

- **All Permittees:** DOI Business Survey and return by December 1st each year
- **Permittees who enter the Backcountry:** A Commercial Overnight Backcountry Use Report completed and returned by December 1st each year.
- **Rafters:** Rafters must complete the Monthly Report of Commercial Rafting Activities return to the Park by the 8th of the following month.

**For additional information,
please contact:**

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